

**United States Department of Agriculture
Forest Service
Black Hills National Forest**

MEMBERSHIP BALANCE PLAN

1. Committee's Official Designation

Black Hills National Forest Advisory Board (the Board)

2. Authority

The Board is established consistent with the Federal Advisory Committee Act of 1972 (5 U.S.C. App. II); and the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. sec. 1600 et.seq.); the National Forest Management Act of 1976 (16 U.S.C. sec. 1612), and the Federal Public Lands Recreation Enhancement Act (Public Law No. 108-447).

3. Objectives and Scope of Activities

The purpose of the Board is to provide advice and recommendations on a broad range of forest issues such as forest plan revisions or amendments, travel management, forest monitoring and evaluation, recreation fees, and site-specific projects having forest-wide implications.

4. Points of View Needed for the Board

The Black Hills National Forest Advisory Board has consists of 16 members. A quorum of 9 members, of the 16-member Board, must be present to constitute an official meeting of the Board.

- a) The Forest Service strives to ensure the Board is balanced in term of the points of view represented for the functions to be performed by the Board. The Board will be a diverse group of individuals representing the many uses for which the Forest was created, including, but not limited to forest products, recreation, grazing, energy and mineral development, and conservation of natural and cultural resources. In addition,

the Forest will strive to include representatives from State, local and Tribal governments.

These individuals will represent:

- Developed outdoor recreation, OHV use, or commercial recreation
 - Economic development
 - Energy and mineral development
 - Forest products industry
 - Nationally recognized sportsmen's group such as anglers or hunters
 - Archaeological, cultural and historical interests
 - Nationally recognized environmental organization
 - Regionally recognized environmental organization
 - Dispersed recreation
 - Hold federal grazing permits or other land use permit
 - Tribal government elected or appointed official
 - Hold county or local-elected or appointed office South Dakota or Wyoming
 - South Dakota elected or appointed office
 - Wyoming elected or appointed office
 - State Natural Resource Agency official from South Dakota
 - State Natural Resource Agency official from Wyoming
- b) The Board has an anticipated relative distribution of two candidates per category (one primary and one substitute member), for the 16 categories listed above.
- c) Every effort will be made to ensure that the membership of this Board is balanced, nevertheless, USDA recognizes that committee membership is not static and may change, depending on the work of the committee, availability of candidates representing various interests, and so forth.

5. Other Balance Factors

Equal opportunity practices in accordance with USDA policies will be followed in all appointments to the Board. To ensure that the recommendations of the Board have taken into account the needs of the diverse groups served by USDA, membership shall include to the extent possible, individuals with demonstrated ability to represent the needs of men and women of all racial and ethnic groups, and persons with disabilities. A simple quorum of members must be present to hold a meeting. The meeting is balanced demographically between South Dakota and Wyoming. The majority of the Black Hills Forest is located in South Dakota and there is only one National Forest (and parts of one National Grassland) in South Dakota. There are ten National Forests in Wyoming so

Wyoming plays an active but relatively small role in managing the Black Hills National Forest.

6. Candidate Identification Process

Vacancies are filled with individuals selected from a pool of nominations. Nominations are received by the Black Hills National Forest:

- From individual self-nominations for a particular category;
- In response to solicitations sent in mailings to Federal, State, Tribal and local governments;
- In response to solicitations sent to academia;
- In response to solicitations sent in mailings to regional and local NGOs;
- In response to solicitations communicated in press releases and advertising; and
- From existing or former committee members.

Once candidates have been identified, their names and background data are submitted to the USDA Office of the White House Liaison for vetting. The vetting process includes a background check to determine if any of the candidates have a conflict of interest that would prohibit them from serving on the committee due to criminal or ethical violations.

7. Subcommittee Balance

The Membership Balance Plan for subcommittees is the same as it is for the parent committee.

8. Other

N/A

9. Date Prepared or Updated

September 19, 2013

10. Legal Background

Section 5(b)(2) of the FACA requires "...the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee." The corresponding FACA regulations reiterate this requirement at 41 CFR § 102-3.30(c), and, for discretionary committees being established, renewed, or re-established, require agencies to provide a description of their

plan to attain fairly balanced membership during the charter consultation process with GSA (41 CFR § 102-3.60(b)(3)). The document created through this process is the **Membership Balance Plan**. The regulations further clarify that (1) the purpose of the Membership Balance Plan is to ensure “that, in the selection of members for the advisory committee, the agency will consider a cross-section of those directly affected, interested, and qualified, as appropriate to the nature and functions of the advisory committee;” and (2) “advisory committees requiring technical expertise should include persons with demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed.” (41 CFR § 102-3.60(b)(3)).

FACA mandates that Federal advisory committees be balanced in the points of view represented by the members, but leaves it to the discretion of each agency on how to do this. The FACA regulations offer guidance in achieving a balanced Federal advisory committee membership, which includes considering:

- (i) The Federal advisory committee’s mission;
- (ii) The geographic, ethnic, social, economic, or scientific impact of the Federal advisory committee’s recommendations;
- (iii) The types of specific perspectives required, such as those of consumers, technical experts, the public at-large, academia, business, or other sectors;
- (iv) The need to obtain divergent points of view on the issues before the Federal advisory committee; and
- (v) The relevance of State, local, or Tribal governments to the development of the Federal advisory committee’s recommendations.” (41 CFR § III of App. A to Subpart B).